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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,098	08/30/2000	Eriko Koda	500.38975X00	1886

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EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2675

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,098

Applicant(s)

KODA, ERIKO

Examiner

Chante Harrison

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-48 is/are pending in the application.
- 4a) Of the above claim(s) 45-48 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-25, 27-35 and 37-44 is/are allowed.
- 6) ☒ Claim(s) 26 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 10/14/04.

This action is made FINAL.

2. Claims 17-44 are pending in the case. Claims 17, 21, 26-27, 31 and 36 are independent claims and have been amended. Claims 45-48 have been canceled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 26 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenichi Minami, U.S. Patent 6,215,505 B1, 4/2001.

As per independent claims 26 and 36, Minami discloses when replay of said moving picture is stopped at an arbitrary replay position of said moving picture on said display (col. 9, ll. 63-67; col. 11, ll. 60-67), displaying an image inputted by said input device on said display (col. 5, ll. 25-40; Fig. 5 "32"); while replaying said moving picture from said arbitrary replay position, drawing a locus of motion of said image using said input device (Fig. 6, 8-9; col. 8, ll. 54-65) and storing position data and time of said designated locus of motion (col. 5, ll. 25-30, 50-57); while replaying said moving picture starting from said arbitrary replay position, displaying on said display said image in accordance with said stored position data of the locus of motion and said stored time data (col. 5, ll. 25-40; col. 7, ll. 52-60; Fig. 5), wherein the image is a partial image (col. 5, ll. 25-29).

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Minami fails to specifically disclose a still image.

It would have been obvious to one of ordinary skill in the art to include a still image with the moving picture of Minami because a partial image is an image extracted from an image frame which is a still image that appears to move in time as changes in position are applied.

Allowable Subject Matter

1. Claims 17-25, 27-35 and 37-44 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: Applicant's claim includes storing time data representing when position data is determined from a locus of motion that is drawn for an image while a moving picture is replaying (claims 17 and 27) and storing boundary line information (claims 21 and 31), which the prior art fails to disclose.

Response to Arguments

3. Applicant's arguments, see pp. 14-15, filed 10/14/04, with respect to claims 21, 31 and 45-48 have been fully considered and are persuasive. The 35 U.S.C. 102 rejection of 6/14/04 has been withdrawn.

Applicant argues Minami fails to disclose the combination of each of the claims.

In reply, Minami teaches producing a background from a video image obtained via a camera (col. 5, ll. 9-17), which corresponds to a moving picture. Minami also teaches extracting a partial image that has a motion trajectory, representing the time and position of the object movement relative to the background, as selected by a user (col. 5, ll. 50-65), which corresponds to an object having a locus of motion designating position and time of movements being synthesized with a moving picture. Minami also teaches synthesizing and displaying successive partial images, e.g. "still" user manipulated images, continuously or at a constant time interval from a position corresponding to the position at which the partial image was selected for manipulation, such that the "still" partial image is synthesized with the background video image at a designated playback time and moves in the selected direction without tracing (col. 7, ll. 53-60).

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chante Harrison whose telephone number is 571-272-7659. The examiner can normally be reached on Monday, Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chante Harrison
Examiner
Art Unit 2675

Ch
April 14, 2005

AMR A. AWAD
PRIMARY EXAMINER

